

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

APPROVED 4/12/10

The Town Council of the Town of Tiverton, County and State aforesaid held a Special Town Council Meeting at the Tiverton Town Hall, 343 Highland Road on Monday, the 29th day of March 2010 at 7:00 p.m.

President Bollin opened the meeting with the Pledge of Allegiance to the flag.

MEMBERS PRESENT:

President Bollin, Vice President Arruda, Councilor Costa, Councilor Durfee, Councilor Lambert, Councilor Leonard and Councilor Roderick

Town Administrator and Solicitor Teitz were also present.

Meet With School Committee Regarding Fiscal Year 2010/11 Proposed Budget

School Committee Chair Jan Bergandy, Superintendent of Schools William Rearick and Finance Director Doug Fiore appeared before the Council to discuss the proposed school budget for Fiscal Year (F/Y) 2010/11. Chair Bergandy distributed a spreadsheet to the Council dated 3/29/10 indicating FY11 budget source estimates. The School Committee (SC) indicated the problem to the Budget Committee (BC) with the amount of the appropriation to the schools. Asking for clarification from the Dept. of Education. Appropriation in F/Y 08/09 was \$20,448,664 and appropriation F/Y 09/10 was reduced to \$20,047,960. Legally must get \$1.00 above prior year's budget. According to the spreadsheet the School Department (SD) got less than \$1 above the prior year appropriation. Concern with using proper baseline number. The SC has a list of potential cuts, also in mediation with the teachers union. The SC plan is to go below the cap. Received a request from the BC to submit budget by March 31, which is too early for SC to complete numbers. SC feels the true deadline is 30 days prior to the meeting. Waiting on an advisory opinion, everything predicated on first two columns for 08/09 and 09/10. The response from the State will establish a baseline.

Additional problem for school department is the proposed budget committee docket reflects a requested amount of \$22,036,715 by school department for FY 2011 and no one has knowledge where it comes from. That is not figure that was submitted by school department. Business Manager Doug Fiore noted the governor's proposal for state aid to Tiverton is 3.8% less than last year. Discussion continued relative to the combined appropriation on local and state aid. Superintendent stated committee believes it is the total amount of the appropriation that needs to be voted on. They have asked the department of education to verify through RIED.

Councilor Lambert passed out his own worksheet trying to figure out the school amount based on the prior F/Y, unable to find that information at Town Hall. Doug Fiore invited Councilor Lambert to call him, numbers available at the SD and at the State Dept of Education. Mr. Fiore disagreed with 3a, believed the appropriation at the FTM to be \$24,900,722 not the \$20,675,207 Councilor Lambert used. Councilor Lambert was trying to fill in his worksheet for 3b, wanted to know the total amount that was enacted, actually received or anticipate receiving. Resident Deb Pallasch asked for clarification on numbers being available at Town Hall. All reporting goes through the Treasurer's office so that information would be available there. Councilor Lambert responded had numbers from Town Hall but only reflect to date.

Chair Bergandy noted the problem with the FTM is the Town estimates much earlier than the State. Last year did not get the numbers until July, put the best guess forward based on the data at the time from the State. Mr. Fiore raised the issue of the debt service being included in operational, if that is separated more money goes to the Town. Mr. Rearick believed the SD has a legitimate issue and discrepancy, believes the SD is entitled to \$24,900,722 for a budget. Councilor Lambert questioned the 4.5% increase on the on the school side of the budget, not looking at this in isolation, see increases for the foreseeable future. Concerned we are in recession; doesn't think this type of increase is sustainable over time.

Councilor Durfee pointed out the car tax payment reimbursement issue and distributed a spreadsheet indicating impact of the additional revenue should the Town be allowed to tax. Getting that \$1.4 million from the State would have a big impact on this budget. Need to get the local Senators and Representatives to press the General Assembly. Mr. Rearick noted the State funding formula was very convoluted, up to the taxpayers to let the SD know what they want. Councilor Lambert agreed there was a need for balance with what people can afford. Social security, pensions, not going up so the Town Council has a responsibility to represent everyone. Resident Justin Katz also wanted to clarify young families also struggling.

President Bollin thanked the school representatives for attending the meeting.

Town Administrator - Discussion on Budget Continued From Council Meeting March 22nd

Administrator Goncalo, to reiterate, excluding the debt service and the capital expense, the operating budget increased by 3.3%. New worksheet distributed. Councilor Durfee suggested the Councilors look at the budget and what was cut by the BC. Not prepared to live with the BC recommendations, which have cut the Social Services the Economic Development Committee and the Town Planner. Why cut postage for notices to delinquent taxpayers? Administrator Goncalo agreed, one cut in particular is a contractual obligation for fire department EMT schooling, liability for \$20,000 in the next F/Y. Councilor Durfee suggested the Admin. review the budget and reduce where possible with the exception of the stated items. The Visiting Nurse serves all incomes and is in the interest of the public health. Councilor Arruda agreed, need to keep the League of Cities and Towns who advocate on behalf of Towns. Cuts appear to be personal rather than practical.

President Bollin agreed, need to look at cuts and purchases. See a request for a fire truck for \$650,000 for 10 years. Could a policy change in the Fire Dept. reduce the use? In favor of keeping some services before equipment, need reallocation of budget. Councilor Durfee made a motion to ask the Administrator to look at the budget, reduce where possible and to have a brief meeting next Monday. Councilor Costa seconded the motion for discussion.

President Bollin said the meeting would be for discussion of the budget. Councilor Costa had some ideas he would discuss with the Administrator. Councilor Leonard reminded the Council about mutual aid with regards to Fire Dept. equipment. Little Compton recently bought a new foam tanker truck, so the Town does not necessarily need to buy one now. This is an alternative, agreed with Councilor Durfee the number one priority is to ensure the public health. Councilors were encouraged to get ideas on cuts to Town Administrator.

Councilor Durfee made a motion to hold a Special Meeting on Monday April 5, 2010 at 7:00 p.m. Seconded by Councilor Roderick motion passed unanimously.

Councilor Durfee made a motion for Administrator Goncalo to review the budget and make cuts according to the directives of the Council as previously discussed. Seconded by Councilor Costa motion passed unanimously.

Proposed Legislation Drafted by Solicitor Relative to Postponing Financial Town Meeting

a. Solicitor Memorandum From March 2009 Relative to Postponing FTM

Solicitor Teitz passed out an email on the proposed resolution and legislation to postpone budget decisions at Council's request. In the Council packet was a Solicitor Memorandum from March 2009 relative to postponing the FTM last year. For the Town alone to postpone the FTM would require a referendum vote. This proposed legislation would apply to all cities and towns. Limited to just this year, would allow any city or town to postpone for up to 90 days and related procedures. Would become a new section 45-2-1.1 right after the Powers of General Laws section. Councilor Durfee noted whether it passes in time for this year's FTM or not should do, however, it could be a long shot.

Councilor Durfee made a motion, seconded by Councilor Costa to approve and submit the proposed legislation drafted by the Solicitor. .

Councilor Roderick had considered extending at the FTM in May to recess or continue to a date certain. Solicitor Teitz pointed out the Council has no knowledge of whether such a vote would pass. The Charter provides to recess to the next Saturday. To recess to whatever date would have to advertise, dependent on vote of the people. Councilor Costa questioned how soon this act would become effective. Solicitor Teitz suggested the draft be sent to all cities and towns by the Town Clerk to get their support. Should get this to legislators as soon as possible. The resolution of support could be passed in two to three weeks.

President Bollin wondered what the chances were the budget would be resolved by August, if the Town does not have information in 90 days. As drafted the resolution allows for some flexibility with the wording for up to 90 days. Councilor Arruda asked how that would affect the schools. Councilor Roderick pointed out the Council still may not know in August or September.

Town Clerk, Nancy Mello, reminded the Council the Clerk still has to prepare certain advertisings 30 days prior, at the outside needs a minimum of 40 days. President Bollin was looking at the earlier memo by the Solicitor from March 2009 and the dilemma faced by the Town at the time. Councilor Costa wished to move the question.

Motion passed on a vote of 5-2, Councilors Roderick and Leonard opposed.

Councilor Leonard

a. Reconsideration of Vote on Coulter Case

b. Adoption of Policy for Exceeding Levy (Budget) Cap

As a point of order, Councilor Durfee noted at the last Council meeting there was a motion to table so only way to take off the table is by a majority vote.

Councilor Leonard made a motion to reconsider the vote on the Coulter Case. Councilor Lambert seconded the motion to reconsider.

Solicitor Teitz noted Councilor Leonard voted on the prevailing side at the last Council meeting.

The question arose as to whether there could be discussion of a tabled item. Solicitor Teitz, in checking the brief version of Robert's Rules, noted it does not say it is not debatable. Councilor Leonard's reason was because the Council may need to look at exceeding the cap and the need to have a process. Councilor Leonard called for a vote. Solicitor Teitz noted there needed to be two votes, to take from the table and to reconsider.

Councilor Leonard made a motion, seconded by Councilor Lambert to reconsider and place back on the table the vote on the Coulter Case. The motion failed on a vote of 2-5, Councilors Roderick, Arruda, Durfee, Bollin and Costa opposed.

Councilor Durfee and President Bollin thanked Solicitor Teitz on behalf of the Council for attending the special meeting, held of the first night of Passover. Solicitor Teitz noted Attorney Ursillo was available but since he was more familiar with the night's topics, felt it was important to attend.

Councilor Durfee made a motion, seconded by Councilor Arruda to enter into Executive Session pursuant to 42-46-5(a)(20)-Litigation. Motion passed unanimously

Council entered Executive Session at approximately 9:00 pm.

Council returned to Open Session at approximately 9:30 p.m.

CLOSED EXECUTIVE SESSION:

Town Solicitor – Litigation – Pursuant 42-46-5(a)(2)

OPEN SESSION:

In Open Session, President Bollin announced no formal action had been taken in Executive Session.

Councilor Costa made a motion, seconded by Councilor Roderick to seal the minutes of Executive Session. Motion passed unanimously.

ADJOURNMENT:

Councilor Costa made a motion, seconded by Councilor Roderick to adjourn the Special Meeting. Motion passed unanimously.

Meeting adjourned at approximately 9:35 p.m.

A True Copy.

ATTEST: _____ Nancy L. Mello, Town Clerk

